

### **Remarks**

In the Office Action dated May 14, 2003, the Examiner rejected claims 1, 2, 4, 6-18 and 20-23 under 35 U.S.C. § 102 as being anticipated by the publication entitled "Geometric Stress Compensation for Enhanced Thermal Stability in Micromechanical Resonators" (i.e. "first publication"). The Examiner rejected claims 3, 5, 19 and 24 under 35 U.S.C. § 103 as being unpatentable over the first publication in view of the publication entitled "Micromachining Technologies for Miniaturized Communication Devices" (i.e. "second publication").

By this Amendment, Applicants' Attorney has amended each of the independent claims to more particularly point out and distinctly claim what Applicants regard as their invention rather than overcome the art cited by the Examiner.

Referring to the first publication, the Examiner stated that the "middle portion of the device, usually referred to as the shuttle mass" supports her position that the first publication teaches a flexural-mode resonator. Applicants' Attorney respectfully traverses the position that the middle portion of the device (i.e., the shuttle mass) constitutes a flexural-mode resonator. Rather, the shuttle mass disclosed in the first publication does not flex but rather moves laterally.

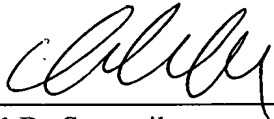
Notwithstanding the foregoing position that claim 1 does not read on the first publication, claims 1, 20 and 23 have been amended in the interest of improving clarity as previously noted. In particular, claims 1, 20 and 23 have been amended to make it clear that the resonant element vibrates in the flexural mode thereby clarifying the relationship between the resonant element and the support structure.

Clearly, the shuttle mass disclosed by the first publication does not vibrate in a flexural-mode. For this reason, the resonator devices of claims 1, 20 and 23 are neither taught, disclosed nor discussed by the first publication taken either alone or in combination with any of the other art of record including the second publication.

Consequently, in view of the above and in the absence of better art, Applicants' Attorney respectfully submits that the application is in condition for allowance which allowance is respectfully requested.

Respectfully submitted,

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By  \_\_\_\_\_

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